IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1335 of 1981

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

BABLABHAI MELABHAI. - Appellant(s)
Versus
SPECIAL LAND ACQUISITION OFFICER. - Defendant(s)

==========

Appearance :

NOTICE SERVED for Appellant(s) : 1,NOTICE UNSERVED for Appellant(s) : 1,MR PT PATEL for Appellant(s) : 1,MR MTM HAKIM for Appellant(s) : 1, MR UDAY BHATT A.G.P. for Defendant(s) : 1,

==========

CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 15/11/2006

ORAL JUDGMENT

1. This appeal has been filed for seeking enhancement of the award made by the learned Extra Assistant Judge, at Vadodara dated 4th November, 1980 in

Reference Case No. 57 of 1976. In view of the judgment delivered by me in First Appeal No. 1333 of 1981 which is cognate matter of this appeal, this appeal is required to be partly allowed on the same terms, which are as under :-

> “The award made by the Reference Court is required to be slightly modified and the market value is required to be enhanced from Rs.33,000=00 per Hectare to Rs.45,000=00 per Hectare together with all incidental and statutory benefits including the solatium and interest. “

2. In the result, the appeal is partly allowed with no order as to costs.

3. Copy of the judgment of First Appeal No. 1333 of 1981 to be kept in this appeal.

R & P to be re-transmitted to the Reference Court forthwith.

[Akshay H. Mehta, J.]

/phalguni/